

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL ACTION NO. 13-CR-10024-RWZ

UNITED STATES

v.

MARK J. ZIMNY

ORDER

October 20, 2020

ZOBEL, S.D.J.

Following a jury trial, petitioner Mark J. Zimny was convicted on five counts of wire fraud, five counts of engaging in unlawful monetary transactions, two counts of filing false tax returns, and one count of bank fraud. The court sentenced him to 63 months imprisonment and specifically ordered him to pay restitution of \$182,564 to Wells Fargo Bank and \$656,906 to Doctor Gerald Chow at the sentencing hearing, Sentencing Tr. 70, ECF No. 322, and in the judgment itself, Judgment 5, ECF No. 304. The latter shows the total amount of restitution (\$839,470) as well as the amounts payable to each named recipient (\$182,564 and \$656,906). These numbers are correctly listed in the judgment; however, the total shown below those line items is incorrectly summed as "\$0.00."

Case 1:13-cr-10024-RWZ Document 304 Filed 09/16/15 Page 5 of 10

AO 245B(05-MA) (Rev. 06/05) Judgment in a Criminal Case
Sheet 5 - D. Massachusetts - 10/05

Judgment - Page 5 of 10

DEFENDANT: MARK J. ZIMNY

CASE NUMBER: 1: 13 CR 10024 - 001 - RWZ

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

TOTALS	\$	<u>Assessment</u>	\$1,300.00	\$	<u>Fine</u>	\$	<u>Restitution</u>	\$839,470.00
--------	----	-------------------	------------	----	-------------	----	--------------------	--------------

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
Wells Fargo	\$182,564.00	\$182,564.00	
84 State Street			
Boston, Mass. 02109			
Doctor Gerald Chow	\$656,906.00	\$656,906.00	

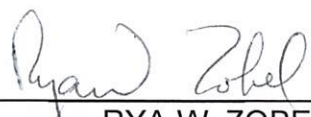
☐ See Continuation
Page

TOTALS	\$	\$0.00	\$	\$0.00
--------	----	--------	----	--------

This was clearly a scrivener's error. The court, pursuant to Rule 36 of the Federal Rules of Criminal Procedure, therefore amends the judgment to list the total amount of restitution as \$839,470 instead of "\$0.00."

October 20, 2020

DATE


 RYA W. ZOBEL
 UNITED STATES DISTRICT JUDGE